



IT IS ORDERED

Date Entered on Docket: April 3, 2013

**The Honorable Robert H Jacobvitz
United States Bankruptcy Judge**

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEW MEXICO

In re:

Arlene Rae Smith, 3046,

Debtor(s).

Chapter 7
Case No. 12-10508-j7

Debtor.

**DEFAULT ORDER GRANTING BANK OF AMERICA, N.A., SUCCESSOR BY MERGER TO
BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING LP
ABANDONMENT OF PROPERTY LOCATED AT 1225 EAST 19TH NORTH, MOUNTAIN
HOME ID 83647**

This matter came before the Court on the Motion for Abandonment Property located at 1225 East 19th North, Mountain Home, ID 83647, filed on March 4, 2013, Docket No. 23 (the "Motion") by Bank of America, N.A., Successor by merger to BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing LP ("Movant"). The Court, having reviewed the record and the Motion, and being otherwise sufficiently informed, FINDS:

(a) On March 4, 2013, Movant served the Motion and a notice of the Motion (the "Notice") on counsel of record for the Debtor(s) and the case trustee (the "Trustee") by use of the Court's case management and electronic filing system for the transmission of notices, as

authorized by Fed.R.Civ.P. 5(b)(3) and NM LBR 9036-1, and on the Debtor(s) by United States first class mail, in accordance with Bankruptcy Rules 7004 and 9014.

(b) The Motion relates to the following property:

LOTS 1 AND 2 IN BLOCK 3 OF GLENN ROI ADDITION NO. 2, AMENDED PLAT, MOUNTAIN HOME, ELMORE COUNTY, IDAHO, ACCORDING TO THE OFFICIAL PLAT THERE OF ON FILE AND OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF ELMORE COUNTY, IDAHO.

(c) The Notice specified an objection deadline of 14 days from the date of service of the Notice, to which three days was added under Bankruptcy Rule 9006(f);

(d) The Notice was sufficient in form and content;

(e) The objection deadline expired on March 21, 2013;

(f) As of March 27, 2013, neither the Debtor nor the Trustee, nor any other party in interest, filed an objection to the Motion;

(g) The Motion is well taken and should be granted as provided herein; and

(h) By submitting this Order to the Court for entry, the undersigned counsel for Movant certifies, under penalty of perjury that, on March 25, 2013, Harlene Geer, Legal Assistant, searched the data banks of the Department of Defense Manpower Data Center ("DMDC"), and found that the DMDC does not possess any information indicating that the Debtor is currently on active military duty of the United States.

IT IS THEREFORE ORDERED:

1. Pursuant to 11 U.S.C. §554(b), as of the date of entry of this Order, and the Property is deemed abandoned and therefore no longer is property of the estate. As a result, Movant need not name the Trustee as a defendant in any state court action it may pursue to foreclose liens against the Property and need not notify the Trustee of any sale of the Property.

XXX END OF ORDER XXX

Submitted by:

SUSAN C. LITTLE & ASSOCIATES, LTD.

By: /S/Electronically submitted/ 03.27.13

Karen H. Bradley
Attorney for Creditor
1700 Louisiana Blvd NE, Ste 300
Albuquerque, New Mexico 87110
Ph: (505) 248-2432 Fax: (505) 254-4722

Copies to:

R. Trey Arvizu, III, Esq.
Attorney for Debtor(s)
PO Box 1479
Las Cruces NM 88004-1479

Kieran F. Ryan
Trustee
PO Box 26
Las Cruces NM 88004-0026

Arlene Rae Smith
Debtor
721 Russell Court
Alamogordo NM 88310